IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23705 of 2003

Between:

1 M/s.Raghavendra Rubber Industries Private Limited, situated at Plot No.152/B and 153/B, I.D.A. Mallapur, Ranga Reddy District, rep. by its Managing Director, K.Padmanabhan Kurup, S/o. Late M.C.Nambiar,
R/o.Hyderabad.
2 Smt.Madathin Nalini Padmanabhan W/o.K.Padmanabha Kurup
Director, M/s.Raghavendra Rubber Industries Private Ltd, R/o.Hyderabad.

..... PETITIONER(S)

AND

1 The Union of India, rep. by its Secretary, Ministry of Law, Shastri Bhavan, R.P.Road, New Delhi.
2 The State Bank of Hyderabad, IDPL Colony Branch, (Code No.2245), Hyderaba, rep. by its Authorised Official.
3 The State Bank of Hyderabad, IDPL Colony Branch, (Code No.2245), Hyderabad, rep. by its Chief Manager.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and striking down Section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and set aside the notice issued by the 3rd respondent in Ref.Ref.F/Notice/Raghavendra Rubbers/915 dated 18-9-2003.

For the Petitioners:MR.O.MANOHER REDDY , Advocate

For the Respondent No. 1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

For respondent Nos.2 & 3 : Mr K.V.Simhadri, advocate

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

To

1. The Secretary, Union of India, Ministry of Law, Shastri Bhavan, R.`P.Road, New Delhi.

2 The Authorised officer, State Bank of Hyderabad, IDPL Colony Branch, (Code

No.2245), Hyderabad.
3 Chief Manager, The State Bank of Hyderabad, IDPL Colony Branch, (Code No.2245), Hyderabad.

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